

Remarks

The above Amendments and these Remarks are in reply to the Office Action mailed April 27, 2005. Currently, claims 1-10 and 12-20 are pending.

I. Summary of the Rejections

Claims 1-10 and 12-20 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 6,151,966 to Sakai et al., "*Sakai*" in view of U.S. Patent 6,230,563 to *Clark, et al.*, "*Clark*."

II. Remarks

It is respectfully submitted that the Examiner has failed to set forth a prima facie rejection under 35 U.S.C. § 103. In particular, U.S. Patent No. 6, 230,563 is not prior art with respect to the present application. *Clark* does not qualify as a reference under any section of 35 U.S.C. § 102.

The present application was filed on June 13, 2000. *Clark* was not issued until March 15, 2001. It is therefore not available as prior art under 35 USC § 102(b).

It is noted that the inventorship for the *Clark* patent is the same as that of the present application. Since the inventorship is the same, the patent and its subject matter is not "by another" and does not qualify as a reference under 35 U.S.C. § 102(a) or (e). Likewise §102(d), §102(f) and §102(g) are not applicable here.

35 U.S.C. § 103 requires that prior art qualify under 35 U.S.C. § 102 to be used in an obviousness rejection. Since the *Clark* patent is not prior art under any section of 35 U.S.C. § 102 it does not qualify prior art under 35 U.S.C. § 103 and the Examiner has therefore not set forth a prima facie rejection. Hence, withdrawal of the rejection is respectfully requested.

Independent claims 4 and 13 were rejected by the Examiner for reasons similar to those for claim 1. Independent claims 4 and 13 contain limitations similar to those found in claim 1. Claims 5-10 and 12 depend from claim 4 and therefore contain all of its limitations. Claims 14-19 depend from claim 14 and thus contain all of its limitations. Thus for the reasons submitted above with respect to claim 1, it is respectfully submitted that claims 4-10 and 12-19 are in condition for

allowance.

The Examiner rejected independent claim 20 using the same basis as claim 1. Claim 20 recites limitations similar to those set forth in claim 1. In addition, claim 20 recites additional limitations not found in claim 1:

- an oscillation-sustaining feedback loop having an output representative of proof-mass displacement along said first displacement axis;

- a capacitive bridge responsive to displacements of said proof-mass along an axis orthogonal to said first displacement axis;

- a position sense interface connected to said capacitive bridge, said position sense interface having an electrical output varying in response to changes in said capacitive bridge;

- a quadrature detection circuit having an output, said quadrature detection circuit synchronized with the output of said oscillation-sustaining feedback loop; and

- a feedback connection from the output of said quadrature detection circuit to said capacitor, said feedback connection providing a voltage across said first capacitor;

- wherein the voltage applied to said capacitor drives the output of said quadrature detection circuit towards a constant value, thereby causing said mass to vibrate absent a Coriolis force, more precisely along said first axis.

These limitations are not taught nor suggested in the cited prior art. For the reasons discussed above with respect to claim 1, it is respectfully submitted that claim 20 is patentable over the cited prior art.

Applicants have added new claim 21 in order to claim an additional feature of the present invention. Support for this feature can be found on page 15, lines 4 and 5.

Based on the above amendments and these remarks, reconsideration of Claims 1-10 and 12-20 is respectfully requested, and consideration of newly added claim 21 is requested.

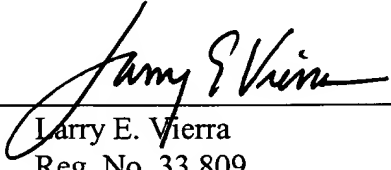
The Examiner's prompt attention to this matter is greatly appreciated. Should further questions remain, the Examiner is invited to contact the undersigned attorney by telephone.

Enclosed is a PETITION FOR EXTENSION OF TIME UNDER 37 C.F.R. § 1.136 for extending the time to respond up to and including today, October 25, 2005.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 501826 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

Date: October 25, 2005

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